Interview Summary

Applicants thank the Examiner for the courtesy of the telephone interview on March 5th, 2010. Examiner Jung, the undersigned representative and Timothy Murphy participated in the discussion. It was agreed that an amendment to claim 1 to clarify that the transducer of claim 1 is contained within the confinement structure would remove the anticipation rejection by U.S. patent publication No. 2003/0053935 to Williams et al.

In regards to the obviousness rejections, the Applicants' representatives asserted that the nature of the problem to be solved had been misconstrued. Whereas the Gumbrecht reference solves a problem of leaking fluid that can short-circuit a sensor (which the examiner acknowledged), the instant invention solves the problem of molecularly imprinted polymers ("MIPs") peeling from the substrate. The representatives also stressed that nothing in Gumbrecht or the Blanco-Lopez reference suggests that the design of sensor can solve the peeling problem. Therefore, it was argued, inventiveness lies in recognizing the problem to be solved (the peeling) in combination with a solution to that problem (the structure of the sensor). A person of ordinary skill, on the other hand, would find no connection to alleviating the peeling problem by studying the Gumbrecht and Blanco-Lopez references. It was also noted that Blanco-Lopez teaches MIP deposition techniques that cannot be used in combination with Gumbrecht.

The examiner agreed to consider the arguments, but noted that none of the independent claims included a limitation where the structure of the sensor prevents peeling of the MIPs. However, the examiner did approve of the recitation of the peeling feature as found in a newly proposed claim. Therefore, it was agreed that the non-obviousness arguments would stand on stronger ground if a limitation to the prevention of peeling were to be inserted in each of the independent claims.

As will be noted below, the recommended limitation has been included.